

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the evidentiary record filed herein, the stipulations of the parties, and having considered the parties' briefs and oral arguments, the Board makes the following findings of fact and conclusions of law:

The ALJ's Award sets out findings of fact and conclusions of law that are detailed, accurate and supported by the record. It is not necessary to repeat those findings and conclusions herein. The Board adopts the ALJ's findings and conclusions as its own as if specifically set forth herein except as hereinafter noted. Specifically, at page 4 of the Award the ALJ references claimant's office visit with Dr. Dickerson that should reflect a December 5, 2006 date. And on page 9 of the Award the references to a recurrent herniated disk should reflect that the recurrent herniated disk was at L5-S1.

Respondent argues that claimant failed to meet his burden of proof that he suffered accidental injury arising out of and in the course of his employment. And if the claim is found compensable respondent further argues that claimant has not met his burden of proof to establish that he suffers permanent and total disability. The ALJ's Award contains a detailed analysis of respondent's arguments and a well reasoned decision that claimant suffered a compensable work-related injury and now suffers a permanent and total disability. The Board agrees and affirms the Award in all respects.

AWARD

WHEREFORE, it is the decision of the Board that the Award of Administrative Law Judge Bruce E. Moore dated October 30, 2009, is affirmed.

IT IS SO ORDERED.

Dated this _____ day of March 2010.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Mitchell W. Rice, Attorney for Claimant
Mark E. Kolich, Attorney for Respondent and its Insurance Carrier
Bruce E. Moore, Administrative Law Judge